



12113 (4) **FILE COPY**

TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 264-9612
Fax (978) 264-9630

Don P. Johnson
Town Manager

3 Day Suspension

November 22, 2004 *Dec 16-19*
04

Daniela's Tacorito
Tracy Boyd, Manager
208 Main Street
Acton, MA 01720

Dear Ms. Boyd:

The Board of Selectmen is in receipt of a report from the Police Chief regarding the Middlesex District Attorney's office alleging a possible alcoholic beverage service violation at Daniela's Tacorito on October 18, 2004. As you will see in Chief Widmayer's attached report, an intoxicated driver was stopped by Officer Krug on October 18, 2004, and when questioned, indicated he had been served at your establishment prior to the accident.

This is the third incident involving alleged over-service of alcohol at Daniela's Tacorito that has come to the attention of the Board of Selectmen in the last 10 months. The Selectmen consider this to be a serious violation of the responsibilities of a liquor license holder in the Town of Acton and have ordered a Hearing to determine what action, if any, they will take in this regard. The Hearing is scheduled for 8:00 PM on Monday, December 13, 2004, in Room 204 at the Acton Town Hall. You are requested to appear before the Board at that time to show cause as to why the Selectmen should not take action with respect to your license.

With regard to the upcoming December 13, 2004 Hearing, **the Selectmen have specifically directed that, in addition to yourself, any individual (other than yourself) who may have been on duty and in charge at the time of the alleged October 18th violation be present and available for questioning by the Board.**

Please phone Christine Joyce at (978) 264-9612 to confirm your December 13, 2004 hearing date.

Very truly yours,

Don P. Johnson
Town Manager

Cc: Police Chief

DANIELA'S TACORITO, LIQUOR LICENSE VIOLATION REVIEW

The attorney for the Tacorito was present and Ms. Boyd spoke about the situation. She said she reviewed the evening after being notified of the violation. She did research about the incident. She said that there were three people's drinks on the check and she said that was a little over three hours and 10 drinks.

The bartender said that he remembers the three gentlemen who were there watching the Red Sox's game. He was concerned because they did not seem intoxicated to him. He noted that he did not know the patrons, but they did not appear intoxicated while at the Restaurant.

Dore' was concerned about this being the third time that they were before us for essentially the same situation. He asked that they put in a camera, they have, and she said however, they don't keep the tapes very long. Dore' suggested they get more tapes. He said that we will need to take action if this continued. He will vote for suspension if they are back again.

Frank spoke about the notation in the number of guests being served at the bar. She was asked to revise their policy for serving.

Trey was concerned about the number of violations. He was concerned that we might be giving them too many chances without the Board taking action.

Walter asked them about the drinks on the check. He too was concerned about taking no action. He was concerned about the fact that the owner was not present. He did not feel that they were doing their best to be more diligent. He was concerned about the allegation of the after hours serving. He noted he wanted to take some action tonight.

She noted that to her knowledge they do not serve after hours.

Boyd's attorney was concerned about the anonymous phone call made to the police. He asked how you defend that situation.

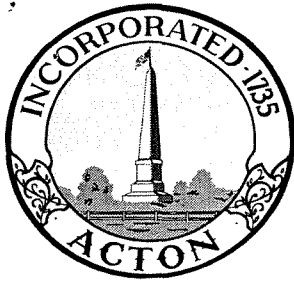
Walter said that we need to suspend the license for a set time and require a rewrite of the policy for serving liquor. Suspension of three days to cover a weekend time period. Walter also continued to express the lack of the owner at this hearing. He urged them to get more tapes and keep on file for a set period of time.

Trey supported Walter's suggested action. He also supported the changes to the alcohol policies. Dore' suggested that they not allow customers on site after hours.

WALTER FOSTER – Moved to suspend their liquor license from Thursday December 16 through Saturday. TREY SHUPERT - second. UNANIMOUS VOTE

The Board asked that the rewritten policy be sent to Christine by Monday.

From Dec. 13, 2004 Selectmen's Minutes



TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 264-9612
Fax (978) 264-9630

Don P. Johnson
Town Manager

March 17, 2004

Geraldo Miranda, President
Daniela's Tacorito
208 Main Street
Acton, MA 01720

Tracy Boyd, Manager
Daniela's Tacorito
208 Main Street
Acton, MA 01720

HAND DELIVERED

Dear Mr. Miranda and Ms. Boyd:

In a letter dated February 10, 2004 (copy attached), you were advised that the Selectmen had scheduled a "show cause hearing" for March 8, 2004, to consider very serious allegations with regard to an incident on January 21, 2004 relating to the liquor service practices of Daniela's Tacorito. You were further cautioned that, on a similar, prior occasion, Daniela's Tacorito had failed to provide adequate representation at a scheduled hearing and you were directed to insure that anyone who was on duty and in charge at the time of the January 21 incident be present and prepared to testify at the March 8 Hearing.

On March 8, despite the clear direction of the Board, the Selectmen were quite disturbed to find that Daniela's Tacorito had, once again, failed to produce the individual who was in charge and responsible at the time of the incident in question. Accordingly, the Board continued the hearing to 8:00 PM on March 22, 2004, and has directed that Mr. Miranda, as owner of this establishment, appear personally at that time to show cause as to why the Selectmen should not suspend the Liquor License for Daniela's Tacorito. The Selectmen have specifically cautioned that a failure to appear and properly respond at this continued hearing will result in action by the Board.

Please confirm your intention to appear on March 22 by calling Christine Joyce in the Town Manager's Office at (978) 264-9612.

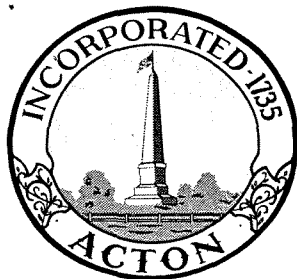
Very truly yours,

Don P. Johnson
Town Manager

DELIVERED BY HAND: _____
RECEIVED BY

DATE AND TIME RECEIVED

Cc: Police Chief



TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 264-9612
Fax (978) 264-9630

Don P. Johnson
Town Manager

February 10, 2004

Daniela's Tacorito
Tracy Boyd, Owner and Manager
208 Main Street
Acton, MA 01720

Dear Ms. Boyd:

The Board of Selectmen is in receipt of a report from the Police Chief alleging a possible alcoholic beverage service violation at Daniela's Tacorito on January 21, 2004. As you will see in Chief Widmayer's attached report, an intoxicated driver was involved in a single car accident on January 21 and, when questioned, indicated she had been served at your establishment prior to the accident.

This is the second incident involving alleged over-service of alcohol at Daniela's Tacorito that has come to the attention of the Board of Selectmen in the last four (4) months. The Selectmen consider this to be a serious violation of the responsibilities of a liquor license holder in the Town of Acton and have ordered a Hearing to determine what action, if any, they will take in this regard. The Hearing is scheduled for 8:30 PM on Monday, February 23, 2004, in Room 204 at the Acton Town Hall. You are requested to appear before the Board at that time to show cause as to why the Selectmen should not take action with respect to your license.

The Selectmen note that when you appeared before the Board on November 3, 2003, you provided general input regarding your understanding of the incident that had occurred in October but you were not present when the incident occurred and you did not bring anyone with you who was on duty or in charge at that time. With regard to the upcoming February 23 Hearing, the Selectmen have specifically directed that, in addition to yourself, any individual (other than yourself) who may have been on duty and in charge at the time of the alleged January 21 violation be present and available for questioning by the Board.

Please phone Christine Joyce at (978) 264-9612 to confirm your February 23 hearing date.

Very truly yours,

Don P. Johnson
Town Manager

Cc: Police Chief

**DRINKING ESTABLISHMENT NOTICE
AND REPORT OF LICENSE ACTION—OUI**

NAME, ADDRESS AND ZIP CODE OF DEFENDANT

COURT

CONCORD

DOCKET NO.

0447 CR 001747

**Trial Court of Massachusetts
District Court Department**



ESTABLISHMENT(S) NAMED BY DEFENDANT

NAME: Daniella's Cantina

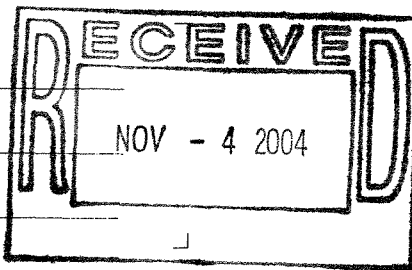
ADDRESS: Main St

Acton MA

NAME: 01720

ADDRESS: _____

ACTON, MA 01720



LICENSE NO.
307905142

STATE
MA

CITATION NO.
M 1090328, 9

DATE OF OFFENSE
10/18/04

DOB
4/23/83

SEX
☒ M ☐ F

DOMICILE (if different than above)

DISPOSITION DATE
10-29-04

- ☐ Says does not know or does not remember
☐ Declines to provide information
☐ No drinking establishment involved.

COURT ACTION ON LICENSE

LICENSE SUSPENSION UNDER G.L. c. 90, § 24D

- ☐ Massachusetts license suspended; to be retained by probation office.
- ☒ Massachusetts license suspended; defendant asserts inability to surrender license because:

- ☐ Defendant not licensed in Massachusetts; right to operate in Massachusetts suspended.

DATE OF SUSPENSION 10-24-04
LENGTH OF SUSPENSION IN DAYS 45 Days

LICENSE REVOCATION UNDER G.L. c. 90, § 24(1)(b)

- ☐ Massachusetts license or right to operate in Massachusetts revoked by conviction; defendant instructed to surrender license to named prosecuting officer for transmittal to Registry.

DATE OF REVOCATION	
PROSECUTING OFFICER	
TITLE	AGENCY

Comments:

**NOTE TO BOS -
THIS IS THE ACTION TAKEN BY THE COURT RE ONE OF
THE INCIDENTS ASSOCIATED WITH DANIELLA'S.**

Sent to ☐ ABCC ☒ AG ☐ DA where establishment(s) located ☒ Establishment(s) ☐ PD of defendant's domicile ☒ Probation

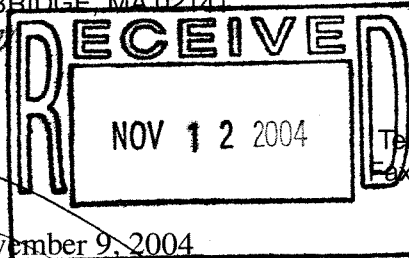
by WMM
NAME

on 10-29-04
DATE



MARTHA COAKLEY
DISTRICT ATTORNEY

THE COMMONWEALTH OF MASSACHUSETTS
MIDDLESEX DISTRICT ATTORNEY
40 THORNDIKE STREET CAMBRIDGE, MA 02141



Tel 617-679-6500
Fax 617-225-0871

cc: BOS
CHIEF WIDMAYER

CHRISTINE, PLEASE
BE SURE TO INCLUDE THIS
NOTICE, ALSO - WHEN WE
HAVE THEM IN .

November 9, 2004

Board of Selectmen
472 Main Street
Acton, MA 01720

Dear Sir/Madam:

Please be informed that the Middlesex District Attorney's Office was notified pursuant to G.L. c. 90, § 24J, that Winston Sandage informed the Concord District Court that, prior to committing a motor vehicle violation which involved driving under the influence of intoxicating liquors, he was served alcohol on 10/18/04 at the following establishment licensed to serve alcohol:

Daniella's Cantina
Main Street
Acton, MA 01720

It is my belief that alcohol and substance abuse is a problem of major proportions in Middlesex. More specifically, the combination of such abuse and driving a motor vehicle is a threat to the lives and safety not only of the abuser, but also of the general public.

This letter is not meant to accuse the establishment of criminal or negligent conduct. The defendant's statement was not made under oath and may or may not be reliable. Nevertheless, because of the importance of the drunk driving issue, we bring this information to your attention for whatever action you may deem appropriate.

Sincerely,

John McEvoy
First Assistant District Attorney

Acton Police Department

InterDepartmental Memo

From: Frank J. Widmayer, Chief of Police

Date: October 28, 2004

To: Don Johnson, Town Manager

Subj: Daniela's TacoRito

COPY

I have attached copies of several incident reports that I feel should be brought to the attention of the Board of Selectmen. The arrest for operating under the influence of alcohol is still pending in the court system.

We will continue to check for possible license violations at this and other locations.



Frank J. Widmayer
Chief of Police

Acton Police Department

October 20, 2004

Incident Report

Wednesday 14:34

Single Incident

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE
I0416730	PATROL INITIATED	KRUG	10/18/2004, 02:22	ANTONELLI
	285 MAIN ST	DELLICICCH	10/18/2004, 02:23	COONEY
1	Cross: MASSACHUSETTS AV		10/18/2004, 02:23	MV STOP
No No	ROUTE 2 @345		10/18/2004, 02:48	M/V VIOLATION
	ACTON, MA, 01720 (01)			CT: ANTONELLI
	ARREST			

Reported as: M/V VIOLATION Found as: M/V VIOLATION
Domestic Abuse: No

Dispatcher Remarks:

OFC KRUG AT EXXON LOT WITH MA REG 277 BJW/OFC DELLICICCHI TO ASSIST

ARRESTED
(Male)

M9403500

ACTON MA 01720

Phone: Race: WHI

Commnt: ARRESTED: M/V VIOLATION

License: (MA)

SSN:

DOB: 04/23/1983 Age: 21

ARRESTED
(Male)

0201668

ACTON MA 01720

Phone: Race: WHI

Commnt: ARRESTED: M/V VIOLATION

License: (MA)

SSN:

DOB: 05/02/1983 Age: 21

Vehicles:

ID	Sr	Status	Color	Year	Make	Model	Style	VIN
V0400894	AR	No status	Blue	2001	Volkswagen	Jetta	Sedan, 4D	
			Tag: MA 277BJW		Personal	Green		
			Person: 01		(ARRESTED)			

Narrative(s):

Narr. 1: PTL. SCOTT KRUG
Title: REPORT

Division: None Status: Open
Entered: PTL. SCOTT KRUG
Reviewed: No officer

[I0416730]

ON THE ABOVE DATE AND TIME I WAS IN THE PARKING LOT OF APLUS GAS STATION MONITORING TRAFFIC. I OBSERVED A VEHICLE DISPLAYING MA REG 277BGW EXIT THE KMART PARKING LOT TRAVELING NORTHBOUND ON MAIN ST (PUBLIC WAY). THE VEHICLE WAS TRAVELING IN THE SOUTHBOUND LANE. THE VEHICLE THEN CAME TO A STOP AT A TRAFFIC LIGHT AT THE INTERSECTION OF MAIN ST AND MASS AVE. WHEN THE LIGHT TURNED GREEN THE VEHICLE CONTINUED NORTHBOUND ON MAIN ST PASSING ME. WHEN THE VEHICLE PASSED ME I OBSERVED THE RIGHT TAILLIGHT WAS OUT ON THE VEHICLE. I ACTIVATED MY BLUE LIGHTS AND THE VEHICLE CAME TO A STOP INSIDE THE EXXON GAS STATION PARKING LOT. I APPROACHED THE OPERATOR OF THE VEHICLE AND REQUESTED HIS LICENSE AND REGISTRATION. THE OPERATOR FUMLED AROUND WITH PAPERS AND WAS

**Acton Police Department
Incident Report**

October 20, 2004

Wednesday 14:34

Single Incident

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE
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Narrative 1 (continued) By: PTL. SCOTT KRUG

Incident I0416730

UNABLE TO PRODUCE HIS REGISTRATION. THE OPERATOR THEN SEARCHED FOR HIS LICENSE AND STATED "I HAD IT EARLIER I MUST HAVE LOST IT". THE OPERATOR AT THIS POINT IDENTIFIED HIMSELF AS [REDACTED] I THEN EXPLAINED TO MR [REDACTED] THE REASON WHY I STOPPED HIM. DURING MY CONVERSATION WITH MR [REDACTED] I COULD DETECT A STRONG ODOR OF AN ALCOHOLIC BEVERAGE. I OBSERVED MR [REDACTED]'S EYES WERE BLOODSHOT AND GLASSY AND HIS SPEECH WAS SLOW AND SLURRED. I ASKED MR [REDACTED] HOW MUCH HE HAD TO DRINK TONIGHT, HE STATED "A LITTLE BIT". I ASKED HIM WHERE HE WAS DRINKING, HE STATED "DANIEL'S CANTINA". I THEN REQUESTED FOR MR [REDACTED] TO STEP FROM THE VEHICLE TO PERFORM SOME FIELD TESTS. WHEN MR [REDACTED] STEPPED FROM THE VEHICLE HE WAS UNSTEADY ON HIS FEET. I ASKED MR [REDACTED] TO WALK OVER TO THE AREA OF WHERE THE GAS PUMPS ARE DUE TO BEING A FLAT SURFACE. AS HE WALK OVER TO THE GAS PUMPS HE WAS STAGGERING.

I FIRST DEMONSTRATED AND EXPLAINED THE NINE-STEP-TURN. DURING THIS INSTRUCTION PHASE MR [REDACTED] LOST HIS BALANCE TWICE, CORRECTING HIS FEET AND PLACE ONE FOOT BACK IN FRONT OF THE OTHER. AFTER EXPLAINING THIS FIELD TEST I ASKED MR [REDACTED] IF HE UNDERSTOOD THIS FIELD TEST, HE STATED "YES". MR [REDACTED] WALKED OUT ONE STEP AND LOST HIS BALANCE STEPPING OFF THE LINE. HE THEN WALKED OUT TO THREE AND LOST HIS BALANCE AGAIN STEPPING OFF THE LINE. MR [REDACTED] CONTINUED THE FIELD TEST NOT TOUCHING HEEL TO TOE. WHEN HE REACHED NINE HE DID AN ABOUT-FACE. ON THE RETURN NINE STEPS HE RAISED HIS ARMS FOR BALANCE AND DID NOT TOUCH HEEL TO TOE. I THEN DEMONSTRATED AND EXPLAINED THE ONE LEG STAND FIELD TEST TO MR [REDACTED]. I ASKED MR [REDACTED] IF HE UNDERSTOOD WHAT I WANTED HIM TO PERFORM, HE STATED "YES". MR [REDACTED] COUNTED UP TO THIRTEEN SWAYING BACK AND FORTH. AT THIRTEEN HE PLACED HIS FOOT DOWN AND PICKED IT BACK UP. WHEN HE REACHED SIXTEEN HE BEGAN TO HOP, TURNING AWAY FROM, AND PLACING HIS FOOT DOWN STATING "SORRY". MR [REDACTED] CONTINUED THE FIELD TEST TO TWENTY-FOUR PLACING HIS FOOT DOWN AND PICKING IT UP COUNTING TO THE END. I THEN REQUESTED FOR MR [REDACTED] TO STATE THE ALPHABET FROM THE LETTER "C" TO THE LETTER "W". DURING THIS FIELD TEST MR [REDACTED] STATED THE ALPHABET WITH A SLOW SLURRED SPEECH. AT THIS POINT I FORMED THE OPINION MR [REDACTED] WAS INTOXICATED AND WAS PLACED UNDER ARREST FOR OUI ALCOHOL.

I ASKED MR [REDACTED] IF HE HAD ANY WEAPONS OR NEEDLES IN HIS VEHICLE THAT I NEEDED TO BE CONCERNED ABOUT, HE STATED "I HAVE A PIPE IN THE CENTER CONSOLE". AT THIS POINT I SPOKE TO THE PASSENGER IN THE VEHICLE IDENTIFIED AS [REDACTED]. MR [REDACTED] EYES WERE BLOODSHOT AND GLASSY. HE HAD A SLOW SLURRED SPEECH. I ASKED MR [REDACTED] HOW MUCH HE HAD TO DRINK TONIGHT, HE STATED "TWO MARGUERITES". I ASKED MR [REDACTED] TO STEP OUT OF THE VEHICLE AND TO PERFORM SOME FIELD TESTS. WHEN MR [REDACTED] STEPPED OUT OF THE VEHICLE HE WAS UNSTEADY ON HIS FEET. I DEMONSTRATED AND EXPLAINED THE ONE LEG STAND FIELD TEST. I ASKED MR [REDACTED] IF HE UNDERSTOOD THIS FIELD TEST, HE STATED "YES". DURING THIS FIELD TEST MR [REDACTED] RAISED HIS ARMS LEVEL WITH HIS SHOULDERS FOR BALANCE. MR [REDACTED] ATTEMPTED TWICE TO DO THIS FIELD TEST, AND WAS UNABLE TO COUNT PAST THREE. AT THIS POINT I PLACED MR [REDACTED] UNDER PROTECTIVE CUSTODY AND PLACED HIM IN THE BACK OF OFFICER DELLICICCHI'S CRUISER. I THEN WENT TO THE VEHICLE TO RETRIEVE THE PIPE INSIDE THE CENTER CONSOLE BUT WAS UNABLE TO LOCATE IT THERE. I LOCATED THE PIPE HIDDEN UNDER THE PASSENGERS SEAT BETWEEN THE PASSENGERS SEAT AND THE PASSENGERS DOOR. THIS PIPE WAS A

Acton Police Department
Incident Report

October 20, 2004

Wednesday 14:34

Single Incident

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE
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Narrative 1 (continued) By: PTL. SCOTT KRUG

Incident I0416730

MULTI-COLORED GLASS PIPE (PURPLE, YELLOW, GREEN) CONTAINING A BURNT RESIDUE THAT I RECOGNIZED AS MARIJUANA FROM MY TRAINING AND EXPERIENCE. I SEIZED THE PIPE AND SECURED IT IN MY CRUISER. I THEN INFORMED MR [REDACTED] HE WAS UNDER ARREST FOR POSSESSION OF CLASS D SUBSTANCE.

I TRANSPORTED MR [REDACTED] BACK TO THE STATION WHILE OFFICER DELLICICCHI INVENTORIED THE VEHICLE. OFFICER DELLICICCHI THEN TRANSPORTED MR [REDACTED] BACK TO THE STATION. SGT COONEY BOOKED BOTH SUBJECTS. DURING MR [REDACTED]'S BOOKING HE CONSENTED TO A BAC AND REGISTERED A .15 AND A .14. DURING MR [REDACTED] BOOKING, MR [REDACTED] REFUSED A BAC, AND STATED "I DON'T NEED TO TAKE A BREATHALYZER I'M WAY OVER". WHILE INVENTORING MR [REDACTED] PROPERTY I LOCATED A RECEIPT FROM DANIEL'S CANTINA BAR. THE RECEIPT WAS FOR \$100.70. IT SHOWED THAT HE WAS SERVED 10 ALCOHOLIC BEVERAGES. I ATTACHED THE RECEIPT TO MR [REDACTED]'S ARREST FOLDER. THE PIPE WAS PLACED IN AN EVIDENCE BAG AND SECURED IN EVIDENCE LOCKER 11.

MR [REDACTED] WAS ISSUED CITATION M1090327 FOR THE FOLLOWING:
94C-34 POSSESSION OF CLASS D SUBSTANCE

MR [REDACTED] WAS ISSUED CITATIONS M1090328, AND M1090329 FOR THE FOLLOWING:

90-24 OUI ALCOHOL
94C-34 POSSESSION OF CLASS D SUBSTANCE
89-4A MARKED LANES
90-11 NO LICENSE AND POSSESSION
90-7 DEFECTIVE EQUIPMENT (TAILLIGHT)

OFFICER SCOTT KRUG #82
ACTON POLICE

Acton Police Department

October 28, 2004

Incident Report

Thursday 10:52

Single Incident

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE
I0416654 1 No Yes	PATROL INITIATED DANIELAS TACORITO 208 MAIN ST Cross: PROSPECT ST @201 KELLY RD @240 ACTON, MA, 01720 (01) REPORT	DELLICICCH	10/16/2004, 02:35 10/16/2004, 02:35 10/16/2004, 02:35 10/16/2004, 03:03	ANTONELLI COONEY SUSP ACT BY-LAW VIOL CT: ANTONELLI

Reported as: BY-LAW VIOL Found as: BY-LAW VIOL
Domestic Abuse: No

Dispatcher Remarks:

OFC DELLICICCHI OBSERVED POSS BY-LAW VIOL AT ABOVE

OTHER DANIELA'S TACORITO
208B MAIN ST

License: None

M0304612 ACTON MA 01720
Phone: 978-266-2777

DOB: None Recorded

Comm: VEHICLES PARKED IN LOT AFTER HOURS

Narrative(s):

Narr. 1: PTL. TRICIA DELLICICCHI Division: None Status: Open
Title: INCIDENT REPORT Entered: PTL. TRICIA DELLICICCHI
Reviewed: No officer

[I0416654]

ON THE ABOVE DATE AND TIME WHILE IN FULL UNIFORM AND ASSIGNED TO MARKED CRUISER #24 THIS OFFICER OBSERVED APPROXIMATELY EIGHT VEHICLES PARKED IN THE PARKING LOT OF DANIELLA'S TACORITO CANTINA. I THEN APPROACHED THE FRONT DOOR OF THE CANTINA AND OBSERVED SEVERAL MALE SUBJECTS SITTING AT THE BAR AREA OF THE RESTAURANT. I WAS NOT ABLE TO OBSERVE ANY SUBJECTS DRINKING ALCOHOLIC BEVERAGES. I THEN CHECKED THE AREA APPROXIMATELY 1/2 AN HOUR LATER AND OBSERVED THAT THERE WERE NO VEHICLES PRESENT.

PTL. TRICIA DELLICICCHI #91
ACTON POLICE REPORT

Acton Police Department

October 28, 2004

Incident Report

Thursday 10:52

Single Incident

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE
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Narr. 2: PTL. TRICIA DELLICICCHI Division: None Status: Open [I0416654]
Title: FOLLOW UP REPORT Entered: PTL. TRICIA DELLICICCHI
Reviewed: No officer

ON OCTOBER 16TH, 2004 AT APPROXIMATELY 18:00 HRS THIS OFFICER WAS INFORMED BY A FEMALE SUBJECT THAT SHE HAD RECENTLY BEEN AT DANIELAS CANTINA DRINKING TIL 2:30 A.M. SHE STATED THAT, " AS LONG AS HER AND HER MALE FRIEND ORDERED DRINKS THE BARTENDING KEPT SERVING THEM ALCOHOLIC BEVERAGES. THE FEMALE SUBJECT REQUESTED THAT HER NAME REMAIN ANONYMOUS.

PTL. TRICIA DELLICICCHI #91
ACTON POLICE DEPARTMENT

11/23/2004 11:12

9786350840

CHIEF WIDMAYER

PAGE 07

Daniela's Cantina Bar
208 Main Street
Acton, MA 01720
(978) 266-2777
www.danielas-cantina.com

52 BAR PM B

Chk 151 Oct17'04 08:13PM Gst 0

2 EL PRES MARG	17.90
2 RASP MARGRTA	13.90
2 CHIPS&SALSA	3.90
1 MILAG ROMANCE	14.95
1 L.I. ICED TEA	6.95
1 ROMANCE MARG	15.95
1 STOLI	6.95
1 MANGO MARG	7.95
1 CANTINA MARG	5.95
1 ROOT BEER	1.50

FOOD	3.90
LIQ	90.50
N/A BEV	1.50
Tax	4.80

10:23PM TOTAL 100.70

THANK YOU!!
PLEASE PAY YOUR SERVER!

Credit Card Batch Detail

Danielas Cantina - 208 Main Street

Tracey Boyd

Batch Created on Monday, Oct 18, 2004 - 03:05

Printed on Monday, October 18, 2004 - 11:10 AM

Rec #	Account #	Exp Date	Chk #	Customer Name	Employee	Auth Code/Amount	Auth Date/Time	Flags	Chg Tip	Total
-------	-----------	----------	-------	---------------	----------	------------------	----------------	-------	---------	-------

Batch # 5 - For Business Date: Sunday, Oct 17, 2004 - Settlement Driver: Visa Settle Merchant Name: Visa Settle

1 - Bar

VISA

1	xxxxxxxxxxxx9111	xx/xx	124	OSTERBERG/EUGENE	51 - BAR AM	017837	54.49	10/17/04 14:25	3.00	48.41
2	xxxxxxxxxxxx9660	xx/xx	131	GUARALDI JR/EDMUND	51 - BAR AM	187359	48.70	10/17/04 16:21	8.00	48.58
3	xxxxxxxxxxxx0023	xx/xx	132	HAVERTY /ROBER	51 - BAR AM	955827	36.60	10/17/04 17:45	0.00	30.50
4	xxxxxxxxxxxx5842	xx/xx	134	TEODORESCU/RAZVAN	51 - BAR AM	029170	41.89	10/17/04 16:39	5.09	40.00
5	xxxxxxxxxxxx5263	xx/xx	137	SANTILLO/CLAUDINE S	52 - BAR PM	071953	24.76	10/17/04 18:15	4.00	24.63
6	xxxxxxxxxxxx7144	xx/xx	142	KHAN /NAJMUL V	52 - BAR PM	797611	126.56	10/17/04 19:43	22.53	128.00
							1.44	10/17/04 20:20		
7	xxxxxxxxxxxx3511	xx/xx	152	REARDON/ROBERT P	52 - BAR PM	500777	91.54	10/17/04 22:03	0.00	76.28
VISA Total									7	42.62
										396.40

MASTER CARD

8	xxxxxxxxxxxx6846	xx/xx	116	SHERMAN/BARBARA	51 - BAR AM	859203	34.46	10/17/04 13:09	5.00	33.72
9	xxxxxxxxxxxx7496	xx/xx	117	CONLON/BRIAN	51 - BAR AM		0.86	10/17/04 14:26	4.00	19.70
						642659	18.84	10/17/04 14:00		
10	xxxxxxxxxxxx0608	xx/xx	118	NIELSEN/DAVID	51 - BAR AM		0.23	10/17/04 15:25	5.86	34.00
						565887	33.77	10/17/04 13:35		
11	xxxxxxxxxxxx7927	xx/xx	120	CARPENTER/GREGORY	51 - BAR AM	531499	37.86	10/17/04 14:04	6.00	37.55
12	xxxxxxxxxxxx9567	xx/xx	123	CICCONE/SCOTT A	51 - BAR AM	299516	65.27	10/17/04 14:17	9.00	63.39
13	xxxxxxxxxxxx0358	xx/xx	129	ZULETA/WILFER G	51 - BAR AM	042946	42.28	10/17/04 15:33	2.00	37.23
14	xxxxxxxxxxxx6470	xx/xx	135	KUBA/ELIZABETH	51 - BAR AM	066592	39.50	10/17/04 16:52	5.08	38.00
15	xxxxxxxxxxxx6585	xx/xx	144	MUEHL/DANIEL W	52 - BAR PM	358059	61.37	10/17/04 19:14	12.00	63.14
							1.77	10/17/04 19:23		
16	xxxxxxxxxxxx1509	xx/xx	151	SILVERMAN/ROBERT B	52 - BAR PM	017765	135.83	10/17/04 23:39	22.00	135.19
17	xxxxxxxxxxxx6917	xx/xx	153	KELLY/THOMAS	52 - BAR PM	093721	48.83	10/17/04 21:33	0.00	40.69
MASTER CARD Total									10	70.94
										502.61

AMEX

18	xxxxxxxxxxxx1007	xx/xx	121	BLASI/M	51 - BAR AM	582611	89.27	10/17/04 14:08	15.00	89.39
							0.12	10/17/04 14:27		
19	xxxxxxxxxxxx2003	xx/xx	139	EPSTEIN/J	52 - BAR PM	565862	65.21	10/17/04 18:41	9.00	63.34
AMEX Total									2	24.00
										152.73

Bar Total 19 137.56 1,051.74

2 - Restaurant

11/23/2004 11:12

9786350840

CHIEF WIDMAYER

PAGE 07

Daniela's Cantina Bar
208 Main Street
Acton, MA 01720
(978) 266-2777
www.danielas-cantina.com

52 BAR PM B

Chk 151

Oct17'04 08:13PM Gst C

2 EL PRES MARG	17.90
2 RASP MARGRTA	13.90
2 CHIPS&SALSA	3.90
1 MILAG ROMANCE	14.95
1 L.I. ICED TEA	6.95
1 ROMANCE MARG	15.95
1 STOLI	6.95
1 MANGO MARG	7.95
1 CANTINA MARG	5.95
1 ROOT BEER	1.50

FOOD 3.90

LIQ 90.50

N/A BEV 1.50

Tax 4.80

10:23PM TOTAL

100.70

THANK YOU!!
PLEASE PAY YOUR SERVER!

Dan Kline said Ron and the Palmers have been most ethical and supportive and speaks as a member and resident.

SITE PLAN 10/09/03-394, MONTUORI REALTY TRUST, 5-19 MAPLE STREET TREY SHUPERT – Move to continue the hearing to April 26, at 7:15 PETER ASHTON – Second. UNANIMOUS VOTE

LIP APPLICATION PRESENTATION, FORT POND BROOK PLACE, 68 RIVER STREET

Mr. Gadbouy updated the Board on the issue and proposal to construct their affordable housing on River Street. They have gotten help from all those involved. They hope to have additional projects in and around the neighboring towns

They are hoping the Board will approve and sign the papers work to allow them to send it to the State, best case opening the ground August.

Walter said they encourage developers go Lip as it is a good process with all involved. He urged the LIP type development.

Bob said he thought this was a good project for South Acton.

Trey said it is a good use of the site and they have been sensitive in the area. He also thanked them for working with staff.

Peter agreed that this was a very helpful presentation. ACHC should be commended and hopes this type of development serves as an example to other developers of LIP Projects.

PETER ASHTON - Move to authorize the Chair to sign the letter of support. TREY SHUPERT – Second. UNANIMOUS VOTE.

DANEILLA'S TACORITO LIQUOR LICENSE HEARING

Chief Widmayer noted that the driver that had the accident reaffirmed her statement that she had left Daniela's after drinking there at court and in a written statement through her Attorney that she was drinking at the establishment and that her last drink was at that establishment.

The attorney representing the corporation was present to help in the Hearing with his client Mr. Miranda.

The Board is very concerned that they have violated twice in a 4 month period. Dore' noted that he wanted the record that they have violated the terms of their license.

Customer Paul Swimmer [sp.] – Lives at 169 Great Road in Shirley, 38 employed, self employed painter and faux finisher. The attorney asked several questions about that night. The witness spoke with her for an hour. He noted that Andrea lived a mile away. When asked how old she was he thought perhaps 38. What did they discuss? Divorce, restaurants small talk. He said she held a good conversation. He left 10ish. She was walking fine and steady on her feet.

Walter asked about his experience with intoxicated people. He replied at parties and get together where it is served any people may over drink. He got to the restaurant just before 9. He was asked if he knew how long Andrea had been in the bar. The witness was asked if he had any prior relationship with Mr. Miranda. He said no, but that he had eaten there several times. It was noted that there were several other patrons in the restaurant. He was asked if she said where she had been before Daniela's. He asked if he or she had taken any drugs that evening. He did not know about her taking any drugs and he waited for her to start her van before he drove away first.

Dore' asked who else was there. Dore' asked how many times he had gone to the restaurant before and after the incident, several times before and tonight. Trey said he knew Paul the witness. He was concerned that this was the Second offence for the restaurant, and why Mr. Miranda didn't feel it was important to come to the other meetings. He said he did not want to leave his business open with out him there so he did not come, he sent Tracy.

Prosecutor Rentschler said the time line didn't work He got ribs. He sat a few seats away and he ate. Did he watch and speak to her during dinner how many drinks did she have? He said she had two that he knew of. But didn't know about before he arrived. He said she seemed normal when she went to the restroom at least twice and walked fine.

Geraldo Miranda, 38, he lives at 60 Prospect Street. He is the owner of Daniela's and was working that evening worked from 10am to close. Did he recall Paul in the restaurant? Did not remember her. He asked when the prior witness Paul came in after 8. the female was there before Paul. Did she eat, no and ordered beer. Amstel Light beer was ordered. He did not talk to her except to serve her. She was not loud or sleepy. He noticed her come in and when she left she was fine. Did she pay for her own drinks, yes, and left a tip of a couple of bucks. He was asked about what they do to assure that they don't over serve. Three drinks are what they serve. But did not seem to know the rest of the regulations, he leaves it to Tracy. They have 3 TIPS trained employees.

The Prosecutor asked if he knew what time Andrea was there before him, he said no. He noted that he watched her walk away. How many steps from the bar, maybe 8. He said she was fine as she walked out. Have you shut off and do they return, what do you do? Refuse to serve and if they are trouble, call the police.

Walter asked about his experience in working in establishment with liquor. He worked with his partner Ken Bender at Ken's American Steak House in Littleton, as well as Amory's in Maynard. He asked about having to call the police. He asked if he knew Andrea before this date. He said no. He was asked about training of employees. He asked what he did to be sure that they follow the rules. Tracy, Brooke, and Denise are TIP trained. He was only the bartender that evening.

Trey asked about how many drinks before his arrival. He said two beers all night both at the restaurant. He asked Mr. Miranda for an example of how he protects people that over, he has called a cab.

Can you summarize the Liquor Policy; He stated he does not remember at this point. He said he did serve her that evening. Peter asked about how he checks to be sure that

wait staff is not serving liquor to someone impaired. He said they look for walking and talking troubles. He said he did not observe her drive away.

Chief asked about cash receipts. They do not have them. He wants to have the real owner identified. Mr. Miranda is owner, president and Tracy Boyd is Manager, Clerk of the Corp.

Dore' noted that he finds no confidence in the owner of the license and feels we should make conditions, and a reason presented to the Board why we should not revoke their license. He wants it demonstrated they know the policy and employees are given classes regarding liquor service, whether it is TIPS or some other training.

Peter agreed with Dore' they don't know seem to know what to do and does not go over the policy with employees that are not TIPS trained. He was concerned about time frame for compliance. He wants all employees to go through the TIPS program in a short timeframe.

Trey said he did not understand how she could have such a high blood alcohol and gaps in missing time. He agrees with Dore' and needs to monitor and train such as what they did with Makaha. He thinks Chief and Town Manager work up a set of rules about operation, and return before the Board.

Bob was concerned with time line and was concerned with blood alcohol level 2 hours after the accident.

Walter expressed his concerns about him not attending the meetings. This is a serious issue and in terms of the licensing power this Board has. He said he thinks for the most part staff is untrained and have very little supervision. He was concerned about the entire management and lack of knowledge by the waitress that attended the other meeting or about the policy.

Mr. Miranda was asked to reduce the action he will be taking to writing and forward to the Board and Chief. The requirements this Board will make regarding training and time limit will be forwarded to Mr. Miranda for action and compliance.

ACTON INDOOR SPORTS SPECIAL PERMIT #08/22-95-353- PETER ASHTON –
Moved to continue to April 26, 7:30. TREY SHUPERT – Second. UNANIMOUS VOTE

SENATOR RESOR AND REPRESENTATIVE ELDRIDGE

They hope to have the budget on Governor's desk in June. They hope to have early information on assistance, regional transportation money and SPED commitment.

Rep. Eldridge noted that they fully expect full funding on Chapter 70. They are looking at a circuit breaker for SPED.

Cory Atkins reported about an unfunded mandate on Ballot materials. They continue work with Minuteman and traffic complaints on Great Road.

James Eldridge said he is working on Middlesex Retirement issue and they looking toward what key pieces you would like them to pursue.



TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 264-9612
Fax (978) 264-9630

Don P. Johnson
Town Manager

March 17, 2004

Geraldo Miranda, President
Daniela's Tacorito
208 Main Street
Acton, MA 01720

Tracy Boyd, Manager
Daniela's Tacorito
208 Main Street
Acton, MA 01720

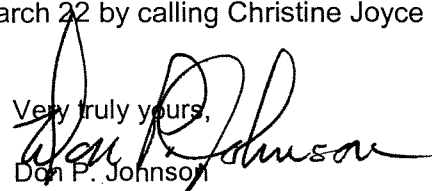
HAND DELIVERED

Dear Mr. Miranda and Ms. Boyd:

In a letter dated February 10, 2004 (copy attached), you were advised that the Selectmen had scheduled a "show cause hearing" for March 8, 2004, to consider very serious allegations with regard to an incident on January 21, 2004 relating to the liquor service practices of Daniela's Tacorito. You were further cautioned that, on a similar, prior occasion, Daniela's Tacorito had failed to provide adequate representation at a scheduled hearing and you were directed to insure that anyone who was on duty and in charge at the time of the January 21 incident be present and prepared to testify at the March 8 Hearing.

On March 8, despite the clear direction of the Board, the Selectmen were quite disturbed to find that Daniela's Tacorito had, once again, failed to produce the individual who was in charge and responsible at the time of the incident in question. Accordingly, the Board continued the hearing to 8:00 PM on March 22, 2004, and has directed that Mr. Miranda, as owner of this establishment, appear personally at that time to show cause as to why the Selectmen should not suspend the Liquor License for Daniela's Tacorito. The Selectmen have specifically cautioned that a failure to appear and properly respond at this continued hearing will result in action by the Board.

Please confirm your intention to appear on March 22 by calling Christine Joyce in the Town Manager's Office at (978) 264-9612.

Very truly yours,

Don P. Johnson
Town Manager

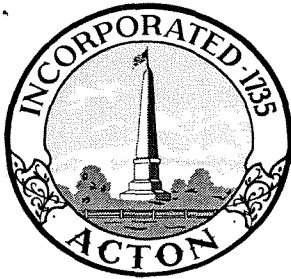
DELIVERED BY HAND: 

RECEIVED BY

3-19-04 4:45 PM
DATE AND TIME RECEIVED

Cc: Police Chief





3/22
(41)

TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 264-9612
Fax (978) 264-9630

Don P. Johnson
Town Manager

March 17, 2004

Geraldo Miranda, President
Daniela's Tacorito
208 Main Street
Acton, MA 01720

Tracy Boyd, Manager
Daniela's Tacorito
208 Main Street
Acton, MA 01720

HAND DELIVERED

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Very truly yours,

Don P. Johnson
Don P. Johnson
Town Manager

Tracy Boyd

DELIVERED BY HAND:

RECEIVED BY

DATE AND TIME RECEIVED

Cc: Police Chief

BOS

Acton Police Department

InterDepartmental Memo

3/22
4

From: Frank J. Widmayer, Chief of Police

Date: March 11, 2004

To: Don Johnson, Town Manager

Subj: Daniela's TacoRito

As we discussed at the last meeting of the Board some paperwork from the District Court has been received. I am forwarding a redacted copy of that, a memo from Det. Rentschler and a copy of the disposition of the case.

I am hoping to receive a letter from the defendant regarding some of the details of her time spent at the establishment but have not received it at as of the writing of this memo. If I do get it prior to the next meeting on March 22nd I will forward a copy of that as well.



Frank J. Widmayer
Chief of Police

Memorandum

To: Chief Widmayer
CC: Board of Selectmen
From: Detective Rentschler
Date: 3/11/2004
Re: Daniella's Cantina , Court OUI-Notice

Dear Sirs,

On Tuesday March 9, 2004, a party who was involved in a m/v accident after leaving Daniella's Cantina made an admission to sufficient facts to the charge of operating a m/v while under the influence of alcohol at the Concord District Court.

As a required segment of the plea/admission tendered by the defendant, the court requests the defendant to state under oath, where they had consumed their last drink on the night in question.

In her response to this question the defendant stated under oath, that she had consumed her last drink at Daniella's Cantina, of Acton. Attached to this memo please find a photo copy of the "Drinking Establishment Notice-OUI" derived from this case.

The defendant's name has been redacted, however the Docket # has been left for verification purposes.

Respectfully Submitted,



CONFIDENTIAL

From: ACTPD::PAMET "Auto Court Notifier" 10-MAR-2004 00:00:11.17
To: MANAGER
CC:
Subj: Court on 03/09/2004

Action Police Department

Prepared Wednesday, 03/10/2004 at 00:00

Automatic Court Notice for 05FW: CHIEF FRANK WIDMAYER

Court case on: 03/09/2004
Status: Closed
Notices sent: 03/10/2004 00:00
Case number: I0401401
Location: District Court of
Docket: 0447CR00145

Reason: DISPOSED (CASE DISPOSED)

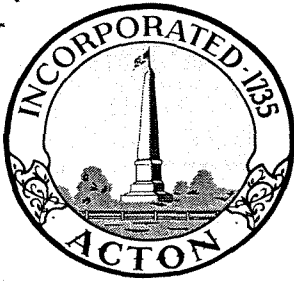
Incident: I0401401
Arrest: A0400018

Defendant: [REDACTED] (M0305110)
Attorney:

Property required: Yes A0400018

Officers in case: 82SK PTL. SCOTT KRUG
05FW CHIEF FRANK WIDMAYER

Offen Date	Activ. Type	ID Numbr	Description
01/21/2004	Arrest	A0400018	MV OUI, DRUGS (43)
Disp: DISM	DISMISSED	03/09/2004	Dismissed.
01/21/2004	Arrest	A0400018	MV OUI, LIQUOR (40)
Disp: CWO	CONT W/O F	03/09/2004	CWO 1 Year, 90-24D Disp. Alcohol Educ. 45 Day Lic. Susp, 1 Yr. Prob., Attend AA
01/21/2004	Arrest	A0400018	OPER. MV NEGLIG. SO AS TO ENDANGER (61)
Disp: DISM	DISMISSED	03/09/2004	Dismissed upon completion of National highway Drivers safety course.
01/21/2004	Arrest	A0400018	OPER. MV W/O LICENSE IN POSSESSION (112)
Disp: RESP	RESPNSIBL	03/09/2004	Resp. Filed
01/21/2004	Arrest	A0400018	FAIL TO STAY IN MARKED LANES
Disp: RESP	RESPNSIBL	03/09/2004	Resp. Filed
01/21/2004	Arrest	A0400018	ILLEGAL POSS. OF CLASS E SUBSTANCE (828)
Disp: DISM	DISMISSED	03/09/2004	Dismissed, so long as defendant remains drug free during probation.



3/22/04

TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 264-9612
Fax (978) 264-9630

Don P. Johnson
Town Manager

February 10, 2004

Daniela's Tacorito
Tracy Boyd, Owner and Manager
208 Main Street
Acton, MA 01720

Dear Ms. Boyd:

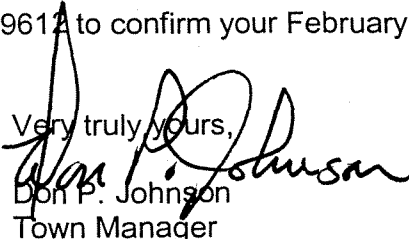
The Board of Selectmen is in receipt of a report from the Police Chief alleging a possible alcoholic beverage service violation at Daniela's Tacorito on January 21, 2004. As you will see in Chief Widmayer's attached report, an intoxicated driver was involved in a single car accident on January 21 and, when questioned, indicated she had been served at your establishment prior to the accident.

This is the second incident involving alleged over-service of alcohol at Daniela's Tacorito that has come to the attention of the Board of Selectmen in the last four (4) months. The Selectmen consider this to be a serious violation of the responsibilities of a liquor license holder in the Town of Acton and have ordered a Hearing to determine what action, if any, they will take in this regard. The Hearing is scheduled for 8:30 PM on Monday, February 23, 2004, in Room 204 at the Acton Town Hall. You are requested to appear before the Board at that time to show cause as to why the Selectmen should not take action with respect to your license.

The Selectmen note that when you appeared before the Board on November 3, 2003, you provided general input regarding your understanding of the incident that had occurred in October but you were not present when the incident occurred and you did not bring anyone with you who was on duty or in charge at that time. With regard to the upcoming February 23 Hearing, the Selectmen have specifically directed that, in addition to yourself, any individual (other than yourself) who may have been on duty and in charge at the time of the alleged January 21 violation be present and available for questioning by the Board.

Please phone Christine Joyce at (978) 264-9612 to confirm your February 23 hearing date.

Very truly yours,


Don P. Johnson
Town Manager

Cc: Police Chief

John P. Higgins
Attorney at Law
427 Main Street
Waltham, Massachusetts 02452
Phone 781 894-3636 Fax 781 893-2702

VIA FAX (978) 263-3501 AND FIRST CLASS MAIL

March 18, 2004

Detective Fred Rentschler
Acton Police Department
P.O. Box 2212
365 Main Street
Acton, MA 01720

RE: [REDACTED]

Dear Detective Rentschler:

Please be advised that this office represents the above-named [REDACTED] who was arrested on January 22, 2004.

My client has informed me that she was drinking at Daniella's Cantina on the night she was arrested and that her last drink was at that establishment.

Thank you for your assistance in this matter. If you have any questions, please contact me at the above number.

Sincerely,


John P. Higgins

JPH:lk
cc. Client

(frcn0318.1ct)

BOB 2/9 ⑪

Acton Police Department

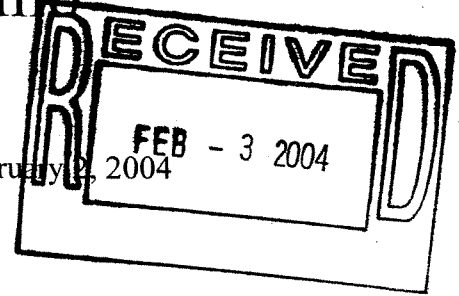
InterDepartmental Memo

From: Frank J. Widmayer, Chief of Police

Date: February 2, 2004

To: Don Johnson, Town Manager

Subj: Liquor Law violation



I am enclosing a copy of a police incident report detailing another problem at Daniela's Tacorito at 208 Main Street. I last reported on a problem at this establishment in October, 2003 and the Board called them in at that time.

I recommend that the Board of Selectmen call the manager or owner in again for a review of their serving policies.

A handwritten signature in cursive script, reading "Frank J. Widmayer".

Frank J. Widmayer
Chief of Police

"RAYMOND P. GREY" 23-JAN-2004 06:28:09.72

From: ACTPD::RPG
To: TJR
CC: RPG
Subj: ALCOHOL VIOLATION

Lt. On your desk is a copy of Officer Krug's arrest report, during booking Ms. [REDACTED] stated she had been drinking at Daniela's Tacorita on Main Street. Ms. [REDACTED] was a .17 BAC almost 2 hours after the accident. I asked her if she had been drinking prior to Daniela's, her response was "no."

1-23-04

Forwarded to Corp

TR

RPG 1-7

**Acton Police Department
Incident Report**

January 23, 2004

Friday 01:01

Single Incident

COPIES

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE
I0401401	CALL FOR SERVICE 27 HIGH ST	KRUG	01/21/2004, 23:20	ANTONELLI
1	FAULKNER HILL RD	DELLICICCH	01/21/2004, 23:24	GREY
Yes Yes	ACTON, MA, 01720 (01)		01/21/2004, 23:24	MVA/PI
	ARREST		01/22/2004, 00:04	ACCIDENT W/PI CT: ANTONELLI
<p>Reported as: ACCIDENT W/PI Found as: ACCIDENT W/PI</p> <p>Domestic Abuse: No</p> <p>Dispatcher Remarks:</p> <p>REPORT OF MVA/PI NEAR ABOVE. AFD/OFC KRUG/OFC DELLICICCHI RESPONDED. SCOTT MOTORS TO TOW MA REG 4603GI/POLE 24/7 STRUCK-NSTAR ADVISED-SGT GREY FOR PHOTOS. (1) TRANSPORTED TO EMERSON/UNDER ARREST</p>				
ARRESTED (Female) M0305110	██████████ HIGH ST ACTON MA 01720 Phone: ██████████ Race: WHI Commt: ARRESTED: ACCIDENT W/PI		License: ██████████ (MA) SSN: ██████████ DOB: 12/18/1967 Age: 36	
PROP-OWNR (Female) M0400329	██████████ MA 01730 Phone: None Recorded Race: W Commt: PROP-OWNR OF PRESCRIPTION MEDICATION		License: ██████████ SSN: ██████████ DOB: 12/18/1967 Age: 36	
PROP-OWNR (Male) M0400331	██████████ HIGH ST ACTON MA 01720 Phone: None Recorded Race: W Commt: PROP-OWNR MA REG 4603GI		License: ██████████ SSN: ██████████ DOB: 11/28/1960 Age: 43	
PROP-OWNR M0101446	NSTAR 800 BOYLSTON ST BOSTON MA 02199 Phone: ██████████ Commt: DAMAGE TO HIGH ST POLE 24/7		License: None DOB: None Recorded	
WITNESS (Male) M9003920	██████████ ACTON MA 01720 Phone: ██████████ Race: WHI Commt: WITNESSED ACCIDENT		License: ██████████ (MA) SSN: ██████████ DOB: 07/16/1977 Age: 26	
WITNESS (Male) M9007279	██████████ ACTON MA 01720 Phone: ██████████ Race: WHI Commt: WITNESSED ACCIDENT		License: ██████████ (MA) DOB: 09/22/1983 Age: 20	

**Acton Police Department
Incident Report**

January 23, 2004

Friday 01:01

Single Incident

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE
--	---	------------	--	---

Incident I0401401 (continued)

Vehicles:

<u>ID</u>	<u>Sr</u>	<u>Status</u>	<u>Color</u>	<u>Year</u>	<u>Make</u>	<u>Model</u>	<u>Style</u>	<u>VIN</u>
V0400091	AC	No status	Green	1999	Dodge	Caravan	Van	
		Tag:	MA 4603GI		Personal	Red		
		Person:	03 [REDACTED]		(PROP-OWNR)			

Narrative(s):

Narr. 1: PTL. SCOTT KRUG
Title: REPORT

Division: None; Status: Open [I0401401]
Entered: PTL. SCOTT KRUG
Reviewed: No officer

ON THE ABOVE DATE AND TIME AS A RESULT OF A RADIO CALL I WAS REQUESTED TO RESPOND TO A MOTOR VEHICLE ACCIDENT, HIGH ST AT MAIN ST. UPON MY ARRIVAL WITH THE FIRE DEPT THE MVA WAS LOCATED AT 22 HIGH ST. THE VEHICLE WAS FACING EAST ON HIGH ST IN THE WESTBOUND LANE, FACING INTO UTILITY POLE # 24/7. THE VEHICLE HAD EXTENSIVE FRONT END DAMAGE WITH THE AIRBAGS DEPLOYED. THERE WAS A FEMALE STAGGERING AROUND THE VEHICLE, HOLDING ONTO THE VEHICLE AT TIMES TO MAINTAIN HER BALANCE.

I SPOKE WITH THE FEMALE IDENTIFYING HERSELF AS [REDACTED]. I ASKED MS [REDACTED] FOR HER LICENSE, SHE STATED I DON'T HAVE IT WITH ME. MS [REDACTED] STATED SHE WAS THE OPERATOR OF THE VEHICLE. AS THE FIRE DEPT EVALUATED, AND TREATED MS [REDACTED] I OBSERVED MS [REDACTED] STAGGERING, AND CONTINUOUSLY GRABBING THE SIDE OF HER VEHICLE TRYING TO MAINTAIN HER BALANCE. MS [REDACTED] EYES WERE GLASSY, WATERY, AND BLOODSHOT. WHEN SHE SPOKE TO THE FIREFIGHTERS MS [REDACTED] SPEECH WAS SLOWED AND SLURRED. WHILE THE FIRE DEPT TREATED MS [REDACTED] I GOT INTO THE BACK OF THE AMBULANCE TO SPEAK TO HER. IN THE BACK OF THE AMBULANCE I COULD DETECT AN ODOR OF AN ALCOHOLIC BEVERAGE COMING FROM MS [REDACTED]. I ASKED MS [REDACTED] WHAT HAPPENED. MS [REDACTED] STATED SHE WAS TRAVELING EAST ON HIGH ST WHEN A SQUIRREL RAN OUT IN FRONT OF HER VEHICLE. ALLEGEDLY MS [REDACTED] SWERVED TO MISS THE SQUIRREL AND STRUCK A UTILITY POLE. I ASKED MS [REDACTED] IF SHE HAD BEEN DRINKING TONIGHT, SHE STATED SHE HAD TWO BEERS. I ASKED HER WHERE DID SHE HAVE THE 2 BEERS, SHE SAID AT A BAR. I THEN ASKED HER WHAT BAR, SHE HESITATED FOR A MOMENT AND STATED I CAN'T REMEMBER THE NAME OF THE BAR. I THEN ASKED HER WHAT TOWN WAS IT IN, SHE COULD NOT ANSWER THE QUESTION. AFTER A FEW MINUTES MS [REDACTED] STATED A MEXICAN BAR NEXT TO ACE HARDWARE (DANIEALA'S CANTINA). I STEPPED OUTSIDE OF THE AMBULANCE AND OBSERVED THERE WERE NO SKID MARKS ON THE PAVEMENT LEADING TO MS [REDACTED] VEHICLE. AT THIS POINT I INFORMED MS [REDACTED] SHE WAS UNDER ARREST FOR OPERATION OF A MOTOR VEHICLE UNDER THE INFLUENCE OF ALCOHOL. I THEN WENT TO EMERSON HOSPITAL WITH MS [REDACTED] BEING TRANSPORTED BY ACTON FIRE. UPON MY ARRIVAL AT EMERSON HOSPITAL MS [REDACTED] WAS EVALUATED IN THE EMERGENCY ROOM.

AFTER MS [REDACTED] WAS TREATED AT EMERSON I READ MS [REDACTED] HER MIRANDA RIGHTS AND SHE STATED SHE UNDERSTOOD HER RIGHTS. I THEN TRANSPORTED MS [REDACTED]

January 23, 2004

Acton Police Department
Incident Report

Friday 01:0

Single Incident

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE
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Narrative 1 (continued) By: PTL. SCOTT KRUG

Incident I0401401

BACK TO THE STATION. UPON MY ARRIVAL AT THE STATION SGT GREY BOOKED MS [REDACTED]. SGT GREY INFORMED ME OFFICER DELLICICCHI SEIZED TWO PRESCRIPTION BOTTLES OF MEDICATION FROM MS [REDACTED] VEHICLE AND TURNED THEM OVER TO HIM. ONE BOTTLE WAS A BOTTLE OF CLONAZEPAN PRESCRIBED TO MS [REDACTED]. THE BOTTLE HAD A WARNING LABEL READING "ALCOHOL MAY INTENSIFY THE EFFECTS". THE SECOND BOTTLE WAS A BOTTLE OF ZOLOF PRESCRIBED TO [REDACTED], MS [REDACTED] SISTER. THIS BOTTLE HAD A WARNING LABEL THAT READ "DO NOT DRINK ALCOHOL". SGT GREY THEN INFORMED ME MS [REDACTED] STATED TO SGT GREY SHE HAD TAKEN THE ZOLOF AND CLONAZEPAN EARLIER IN THE NIGHT. MS [REDACTED] REGISTERED A .17 ON THE BAC.

THE VEHICLE WAS INVENTORIED BY OFFICER DELLICICCHI AND TOWED BY J SCOTT MOTORS. SGT GREY TOOK PHOTOS OF THE SCENE. I WROTE MS [REDACTED] 3 CITATIONS (M0063436, M0063437, M0063438) FOR THE FOLLOWING:

90-24 OUI ALCOHOL
90-24 OUI DRUGS
90-24 OPERATION OF A MOTOR VEHICLE AS TO ENDANGER
90-11 NO LICENSE IN POSSESSION
89-4A MARKED LANES VIOLATION
94C-32 POSSESSION OF CLASS E SUBSTANCE

OFFICER SCOTT KRUG #82
ACTON POLICE

Narr. 2: PTL. SCOTT KRUG
Title: MV ACCIDENT REPORT

Division: None Status: Open
Entered: PTL. SCOTT KRUG
Reviewed: No officer

[I0401401]

Citation Number if issued: M0063436, M0063437, M0063438
VEHICLE ONE WAS TRAVELING EAST ON HIGH ST DROVE IN WESTBOUND LANE AND OFF THE ROAD. VEHICLE ONE STRUCK UTILITY POLE # 24/7. VEHICLE ONE HAD FRONT END DAMAGE.

Narr. 3: PTL. TRICIA DELLICICCHI
Title: SUPPLEMENTAL REPORT

Division: None Status: Open
Entered: PTL. TRICIA DELLICICCHI
Reviewed: No officer

[I0401401]

ON WEDNESDAY JANUARY 21ST, 2004 WHILE IN FULL UNIFORM AND MARKED CRUISER #24 I WAS DISPATCHED TO HIGH ST IN ACTON FOR A MOTOR VEHICLE ACCIDENT WITH PERSONAL INJURY.

UPON ARRIVAL AT THE SCENE I OBSERVED A GREEN MINIVAN MA. REG. 4603GI, THAT HAD STRUCK A UTILITY POLE IN THE AREA OF 22 HIGH ST, ACTON. OFFICER KRUG AND

Acton Police Department
Incident Report

January 23, 2004

Friday 01:01

Single Incident

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE
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Narrative 3 (continued) By: PTL. TRICIA DELLICICCHI Incident I0401401

THE ACTON FIRE DEPARTMENT HAD ALREADY ARRIVED ON THE SCENE AND OFFICER KRUG WAS IN THE ACTON AMBULANCE WITH THE OPERATOR OF THE VEHICLE, [REDACTED]. OFFICER KRUG THEN EXITED THE AMBULANCE AND STATED TO THIS OFFICER THAT [REDACTED] WOULD BE UNDER ARREST FOR OPERATING A MOTOR VEHICLE UNDER THE INFLUENCE OF ALCOHOL. THE ACTON FIRE DEPARTMENT THEN TRANSPORTED [REDACTED] DOWN TO EMERSON HOSPITAL IN CONCORD WHERE HER INJURIES COULD BE EVALUATED. OFFICER KRUG FOLLOWED THE ACTON FIRE DEPARTMENT DOWN TO THE HOSPITAL WHILE I REMAINED WITH [REDACTED] VEHICLE.

WHILE WAITING FOR THE TOWING COMPANY (J. SCOTT MOTORS) TO ARRIVE I CONDUCTED AN INVENTORY SEARCH OF THE MOTOR VEHICLE. I OBSERVED THAT BOTH AIRBAGS HAD BEEN DEPLOYED AND THERE WAS SEVERE FRONT END DAMAGE. I THEN SEIZED TWO(2) PRESCRIPTION BOTTLES OF MEDICATION FROM THE FRONT PASSENGER SEAT AND FLOOR. THE PRESCRIPTION BOTTLES READ CLONAZEPAN AND ZOLOFT AND WERE TAKEN AS EVIDENCE. AFTER COMPLETING THE INVENTORY I OBSERVED TWO (2) MALE SUBJECTS STANDING AT THE DRIVEWAY TO 25 HIGH ST. I APPROACHED THE YOUNG MALES AND ASKED THEM IF THEY HAD SEEN THE ACCIDENT, BOTH PARTIES STATED THAT, " THEY HEARD A LOUD SCREECH AND THEN A CRASH. " IT WAS AT THIS TIME SGT. GRAY ARRIVED TO PHOTOGRAPH THE ACCIDENT SCENE AND J. SCOTT MOTORS ARRIVED. I ASKED THE MALE SUBJECTS IF THEY WOULD MIND GIVING A STATEMENT AND THEY STATED THAT THEY WOULDN'T MIND.

AFTER SGT. GRAY AND J. SCOTT MOTORS (TOWING COMPANY) HAD CLEARED THE ACCIDENT SCENE I SPOKE TO THE TWO (2) MALE WITNESSES. THE WITNESSES IDENTIFIED THEMSELVES AS [REDACTED] AND [REDACTED] OF [REDACTED] ST, ACTON. THEY BOTH STATED THAT, " THEY WOULD LIKE TO REMAIN ANONYMOUS BUT THEY DID WANT TO LET ME KNOW THAT THEY OBSERVED [REDACTED] EXIT HER VEHICLE AFTER STRIKING THE UTILITY POLE. " THEY ALSO STATED THAT, " [REDACTED] THEN STUMBLED UP TO THEM, AND IT WAS THEN THAT BOTH [REDACTED] AND [REDACTED] ASKED IF SHE WAS ALRIGHT. [REDACTED] STATED THAT SHE WAS OK AND THAT AN ANIMAL HAD RAN IN FRONT OF HER VEHICLE CAUSING HER TO CRASH. " BOTH [REDACTED] AND [REDACTED] STATED THAT THEY HAD A HARD TIME UNDERSTANDING [REDACTED] DUE TO HER SLURRED SPEECH. BOTH [REDACTED] AND [REDACTED] STATED THAT SHE APPEARED UNSTEADY ON HER FEET AND WAS ACTING AS IF SHE WAS INTOXICATED. "

LASTLY, I ASKED THEM BOTH IF I COULD HAVE THEIR BIRTHDATES. IT WAS AT THIS TIME BOTH [REDACTED] AND [REDACTED] STATED, " THEY DIDN'T WANT THEIR NAMES MENTIONED AND THAT THEY DIDN'T THINK THEY WANTED TO BE WITNESSES. " I ASKED THEM TO WRITE A WRITTEN STATEMENT OF WHAT THEY OBSERVED AND DROP IT OFF AT THE ACTON POLICE DEPARTMENT. BOTH PARTIES STATED THEY WOULD THINK ABOUT IT.

Tricia Dellicicchi #91

January 23, 2004

Acton Police Department
Incident Report

Friday 01:01

Single Incident

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE
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Narrative 3 (continued) By: PTL. TRICIA DELLICICCHI Incident I0401401

PTL. TRICIA DELLICICCHI #91
ACTON POLICE DEPARTMENT

cc: BOS

#6

DANIELA'S TACORITO ALCOHOLIC BEVERAGES POLICY

Discount Policy

Daniela's Tacorito does not allow discounts on alcoholic beverages at any time or for any reason. Specials or promotions involving the discounted sale of alcohol are strictly prohibited.

Serving Policy

- Daniela's Tacorito requires all servers of alcohol to be 18 years of age or older.
- Daniela's Tacorito requires a valid proof of age for the purchase of alcoholic beverages from any patron who appears 30 years of age or younger.
- Valid identification must be one of the following: valid Massachusetts's Driver's License, valid Massachusetts Registry of Motor Vehicles Liquor Identification Card, or valid U.S. Passport.
- Daniela's Tacorito reserves the right to refuse service to any patron if, upon inspection, the validity of the proof of age is in question.
- Daniela's Tacorito does not serve alcoholic beverages to persons under the age of 21, the State penalty for serving such a person includes up to \$2000.00 in fines and/or up to 6 months in jail.
- Daniela's Tacorito only permits one alcoholic beverage to be consumed by any patron at any given time.
- Daniela's Tacorito does not serve persons who appear to be intoxicated (signs of intoxication may include slurred speech, impaired coordination, or erratic behavior).
- All alcoholic beverages must be consumed on the premises.

Employee Policy

Daniela's Tacorito does not allow any employee to consume alcoholic beverages on the premises while on duty.

11/4/03
NO action taken on violation
BOS interviewed T. Boyd about
Unpt Liquor Service Rules

Acton Police Department

InterDepartmental Memo

BOJ
11/3
(6)

From: Frank J. Widmayer, Chief of Police

Date: October 21, 2003

To: Don Johnson, Town Manager

Subj: Liquor Law violation

I am enclosing copies of police incident reports detailing problems at Danielas Tacorito at 208 Main Street.

I recommend that the Board of Selectmen call the manager or owner in for a review of their serving policies.

Frank J. Widmayer

Frank J. Widmayer
Chief of Police

WALTER -

I MISUNDERSTOOD WHAT
I HAD BEEN TOLD REGARDING
THIS MATTER. IT IS, INDEED,
SCHEDULED FOR THE 11/3 MEETING.

Don

~~NOTE TO BOS:~~

~~WE ATTEMPTED TO SCHEDULE~~

~~A HEARING FOR 11/3 BUT RAN~~

~~INTO COMPLICATIONS. WOULD SCHEDULE~~

~~ON NEXT AVAILABLE AGENDA.~~

~~DAN~~

TOWN OF ACTON POLICE DEPARTMENT
INTER-DEPARTMENTAL COMMUNICATION

TO: Lt. Thomas Rogers
FROM: Raymond P. Grey
SUBJ: Liquor Violation

DATE: October 19, 2003

10-21-03
forwarded to COF
TR

On this date Officers responded to two 911 calls from Daniela's Tacorito restaurant located at 208 Main Street. In both calls the responding officers placed individuals into protective custody. During the booking the prisoners requested a breath test and readings of .19 and .26 resulted. Statements during booking indicated they had been drinking prior to arriving at the restaurant. Both prisoners acknowledged being served several drinks while at the restaurant. It is apparent that the employee should recognized the signs and symptoms of intoxication and not continued to serve them alcohol. I have attached copies of the appropriate Incident Reports to this correspondent.

**Acton Police Department
Incident Report**

October 21, 2003

Tuesday 16:16

Single Incident

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE
I0318730	CALL FOR SERVICE	KEELER	10/19/2003, 22:06	AUSTIN
	DANIELAS TACORITO	COONEY	10/19/2003, 22:06	GREY
5	208 MAIN ST	HOLWAY	10/19/2003, 22:06	DISTURBANCE
No No	Cross: PROSPECT ST @201	DELLICICCH	10/19/2003, 22:15	DISTURBANCE
	KELLY RD @240			CT: AUSTIN
	ACTON, MA, 01720 (01)			
	ARREST			

Reported as: DISTURBANCE Found as: DISTURBANCE
Domestic Abuse: No

Dispatcher Remarks:

ALL UNITS RESPONDED TO THE ABOVE FOR A OUT OF CONTROL CUSTOMER. 39JC REPORTS COMING BACK WITH ONE PC

ARRESTED [REDACTED], ROBERT R JR License: [REDACTED] (MA)
(Male) [REDACTED] SSN: [REDACTED]
M0203552 SHIRLEY MA 01464
Phone: 978-425-6280 Race: WHI DOB: 10/22/1971 Age: 31
Commt: ARRESTED: DISTURBANCE

OTHER DANIELA'S TACORITO License: None
208B MAIN ST
M0304612 ACTON MA 01720
Phone: 978-266-2777 DOB: None Recorded
Commt: INTOXICATED CUSTOMER

REPORTER MIRANDA, GERALDO License: [REDACTED] (MA)
(Male) 37 HOSMER ST SSN: [REDACTED]
M9802199 MARLBOROUGH MA
Phone: None Recorded DOB: 10/25/1964 Age: 38
Commt: OWNER, DANIELA'S TACORITO

Narrative(s):

Narr. 1: PTL. JOHN COONEY Division: None Status: Open [I0318730]
Title: PROTECTIVE CUSTODY Entered: PTL. JOHN COONEY
Reviewed: No officer

On the above date and time I was dispatched to Daniela's Tacorito regarding an unruly customer. On arrival I observed an intoxicated male who Officers Holway, Keeler and Delicicchi had already removed from the establishment. I entered and spoke with the owner, Geraldo Miranda, who related that the customer had become unruly and argumentive when told that he could not smoke in the establishment. At that time I placed the subject, identified as Robert [REDACTED], in protective custody. His female friend, Natalie [REDACTED] asked for his car keys. She was told that she could not have the keys since she had been drinking. [REDACTED] was transported back to the Acton Police Station where he was booked by Sgt. Grey and advised of his rights. His PBT result

**Acton Police Department
Incident Report**

October 21, 2003

Tuesday 10

Single Incident

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE
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Narrative 1 (continued) By: PTL. JOHN COONEY Incident I0318730

was .193. [REDACTED] was allowed use of the phone and placed in cell 1.

Ptl John Cooney
Acton Police, #39

**Acton Police Department
Incident Report**

October 21, 2003

Tuesday 10

Single Incident

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE
I0318732	CALL FOR SERVICE	HOLWAY	10/19/2003, 22:35	AUSTIN
	DANIELAS TACORITO	KEELER	10/19/2003, 22:36	GREY
7	208 MAIN ST	DELLICICCH	10/19/2003, 22:37	DISTURBANCE
No No	Cross: PROSPECT ST @201		10/19/2003, 22:41	DISTURBANCE
	KELLY RD @240			CT: AUSTIN
	ACTON, MA, 01720 (01)			
	ARREST			

Reported as: DISTURBANCE Found as: DISTURBANCE
Domestic Abuse: No

Dispatcher Remarks:

85DH/65DK/91TD RESPONDED TO THE ABOVE FOR A DISTURBANCE 91TD REPORTS COMING BACK WITH ONE. THIS IS THE SECOND DISTURBANCE THIS EVENING.

ARRESTED [REDACTED], NATALIE J License: [REDACTED] (MA)
(Female) [REDACTED] SSN: [REDACTED]
M9503565 ACTON MA 01720
Phone: 266-2787 Race: WHI DOB: 09/14/1963 Age: 40
Commt: ARRESTED: DISTURBANCE

REPORTER NELSON, DENISE License: None
(Female) 18 LINDBERG AVE.
M0304615 MAYNARD MA 01265
Phone: None Recorded Race: W DOB: 06/16/1965 Age: 38
Commt: BARTENDER OF DANIELAS TACORITO

PROP-OWNR MIRANDA, GERALDO License: 026-68-3458 (MA)
(Male) 37 HOSMER ST SSN: 026-68-3458
M9802199 MARLBOROUGH MA
Phone: None Recorded DOB: 10/25/1964 Age: 38
Commt: OWNER OF DANIELA'S TACORITO

Narrative(s):

Narr. 1: PTL. TRICIA DELLICICCHI Division: None Status: Open [I0318732]
Title: POLICE REPORT Entered: PTL. TRICIA DELLICICCHI
Reviewed: No officer

ON MONDAY OCTOBER 19TH, 2003 AT 22:35 P.M. DISPATCHER AUSTIN ADVISED OFFICER HOLWAY, OFFICER KEELER AND THIS OFFICER OF A DISTURBANCE AT DANIELA'S TACORITO. UPON ARRIVAL AT THE ESTABLISHMENT ALL OFFICERS ENTERED THE RESTAURANT AND FOUND NATALIE [REDACTED]. NATALIE YELLED THAT, "SHE HAD TOO MUCH TOO DRINK AND SHE KNEW SHE COULDN'T DRIVE." SHE CONTINUED YELLING AND STATING THAT, "WE HAD TAKING HER BOYFRIEND AND NOW SHE DIDN'T WANT TO LEAVE. "NATALIE STATED THAT, " SHE LIVED RIGHT AROUND THE CORNER AND COULD WE JUST GIVE HER A RIDE HOME. " NATALIE'S SPEECH WAS SLURRED AND SHE WAS YELLING AT ALL THE OFFICERS. SHE STATED THAT, " SHE HAD THREE KIDS AT HOME AND ALL SHE WANTED TO DO WAS GO HOME."

Acton Police Department
Incident Report

October 21, 2003

Tuesday 10

Single Incident

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE
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Narrative 1 (continued) By: PTL. TRICIA DELLICICCHI Incident I0318732

OFFICER KEELER PLACED NATALIE IN PROTECTIVE CUSTODY AND THIS OFFICER TRANSPORTED NATALIE BACK TO THE ACTON POLICE DEPARTMENT. SHE WAS THEN BOOKED AND AFFORDED A PHONE CALL BY SGT. GRAY. SGT. GRAY ASKED NATALIE IF SHE WANTED TO TAKE A BREATHALYZER TEST, NATALIE REFUSED. A FEW MINUTES LATER NATALIE STATED THAT, "SHE WANTED TO USE THE PHONE. " I OPENED THE FEMALE CELL AND ALLOWED HER TO MAKE A PHONE CALL TO HER EX-HUSBAND DAVID [REDACTED]. IT WAS AT THIS TIME NATALIE STATED THAT, "SHE WANTED TO TAKE THE BREATHALYZER TEST. " I ADMINISTERED THE PORTABLE BREATH TEST TO NATALIE AND THE TEST REVEALED A READING OF .26. I ASKED HER IF SHE WANTED TO CALL ANYONE ELSE AND SHE DECLINED.

PTL. TRICIA DELLICICCHI #91
ACTON POLICE DEPARTMENT